

## **Minutes of Special and Regular Meeting of May 23, 2006**

### **SPECIAL MEETINGS**

#### **CLOSED SESSIONS - 5:30 P.M.**

- A. Conference with Legal Counsel, Initiation of Litigation, pursuant to Government Code Section 54956.9: 1 Case.
- B. Conference with Labor Negotiator, Maureen Cassingham, pursuant to Government Code Section No. 54957.6: BPOA.

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Interim City Manager Cassingham, City Attorney Zafferano, Finance Director Fil, Community Development Director de Melo (Item A only), Interim Human Resources Director Sam (Item B only), Fran Buchanan (Negotiator, Item B only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:35 P.M., these special meetings were adjourned.

Terri Cook

City Clerk

Meeting not tape recorded or videotaped.

### **REGULAR MEETING**

#### **CALL TO ORDER 7:35 P.M.**

#### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Cassingham, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Police Chief Mattei, Finance Director Fil, Interim Human Resources Director Sam, Information Services Manager Harnish, Interim Parks and Recreation Director Bridges, City Clerk Cook.

### **PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

### **REPORT FROM CLOSED SESSIONS**

Mayor Mathewson stated that direction was given but no action taken during the Closed Sessions held earlier.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Lieberman announced that a number of excellent candidates had recently been interviewed for the position of Parks and Recreation Director, and stated that a new Director would be announced soon.

Councilmember Dickenson stated that it was announced during a recent San Francisco Airport Roundtable meeting that a noise monitor would soon be deployed on the Peninsula.

### **AGENDA AMENDMENTS**

Mayor Mathewson announced that Public Hearing Item 5-A on tonight's agenda (Public Hearing for McDonald's) would be continued to June 13, 2006, but that testimony would be taken this evening if anyone desired.

Mayor Mathewson requested the removal of Item **4-B** (Police Department/City Hall Project Final Monthly Update and Resolution Accepting the Work, Approving As-Built Plans and Authorization to Issue Notice of Completion for the Belmont Police Department and City Hall Project to Thompson Pacific Construction, City Contract Number 415A), and Councilmember Warden requested the removal of

Item **4-E**(Resolution Approving Establishment of a 25-foot “No Parking” Zone on the West Side of Alameda de las Pulgas North of the Belmont Library Driveway at 1110 Alameda de las Pulgas) for separate consideration.

#### **CONSENT CALENDAR**

**Approval of** Minutes of the Special and Regular Meeting of March 28, 2006, the Special and Regular Meeting of April 11, 2006, Special Meeting (Closed Session) of April 24, 2006, and the Special and Regular Meeting of April 25, 2006.

**Acceptance of** Belmont Library/Belameda Park Project - May Monthly Update.

**Adoption of** Ordinance 1015 Repealing Belmont Municipal Code Sections 16-1 to 16-9, and 17-1 to 17-6 Relating to Parks and Recreation Commission and Planning Commission (2nd reading and adoption).

**Approval of** Resolution 9777 Prohibiting Vehicles in Excess of Six Feet in Height from Parking along the South Side of Ralston Avenue between Furlong Street and East of the Dairy Belle Driveway at 575 Ralston Avenue.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Warden, the Consent Agenda was unanimously approved, as amended, by a show of hands.

#### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Police Department/City Hall Project Final Monthly Update and Resolution Accepting the Work, Approving As-Built Plans and Authorization to Issue Notice of Completion for the Belmont Police Department and City Hall Project to Thompson Pacific Construction, City Contract Number 415A**

In response to Mayor Mathewson, Project Manager Mittelstadt stated that staff purchased a ladder that will reach the ceiling lights in the Council Chambers. He will look into the installation of a phone and computer line for Conference Suite 220, if the lines do not already exist in that location.

Councilmember Feierbach noted there is still an issue in the third floor women’s restroom of which Project Manager Mittelstadt is aware.

**ACTION:** On a motion by Mayor Mathewson, seconded by Councilmember Dickenson, Police Department/City Hall Project Final Monthly Update, and Resolution 9778 and Resolution Accepting the Work, Approving As-Built Plans and Authorization to Issue Notice of Completion for the Belmont Police Department and City Hall Project to Thompson Pacific Construction, City Contract Number 415A, was unanimously approved by a show of hands.

**Resolution Approving Establishment of a 25-foot “No Parking” Zone on the West Side of Alameda de las Pulgas North of the Belmont Library Driveway at 1110 Alameda de las Pulgas**

Councilmember Warden noted that construction is still under way at the library, and recommended deferring this item until it is complete. He noted that there may be an opportunity to consolidate some of the red zones in the area to maximize parking.

In response to Council questions, Public Works Director Davis clarified that the width of Alameda de las Pulgas could sustain diagonal parking. Approval of this resolution at this time would result in the loss of one parking space, and that this was in response to two or three complaints since the library opened. Staff’s intent was to provide safe sight distance for those exiting the library driveway without losing too many parking spaces.

**Joan Peceimer**, Belmont resident, shared Council’s concern regarding the loss of parking. Parking is at a premium at the library. She urges carpooling, especially for special events. She commented that many people do not use common sense when driving.

**Colin Flynn**, Crippen and Flynn Associates, noted that when his business experiences overflow parking, he advises people to use available public parking, not private, and expressed concern regarding the loss of even one parking space. He questioned the need for 25 feet of red curb when fire hydrants do not warrant that much red curb.

Councilmember Lieberman supported a delay on this issue, but expressed concern about the low level of comfort in exiting the library driveway due to sight distances.

Council concurred to refer the matter to staff and to table this item for future consideration.

## **HEARINGS**

### **Public Hearing to review Planning Commission action from April 18, 2006, Public Hearing regarding Conditional Use Permit (McDonald's), pursuant to Municipal Code Section 1-11.**

Mayor Mathewson opened the Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to continue the Public Hearing to June 13, 2006.

### **Public Hearing for Introduction of an Ordinance establishing Section 30 of the Municipal Code Administrative Citation and Hearing Process**

Code Enforcement Officer Buckman stated that the adoption of this ordinance would establish an in-house code enforcement process for administration and adjudication. The goal is to reduce enforcement compliance time. He reviewed the courtesy notice procedure. He noted that the new procedure provides for an escalating fine process, and clarified that fines would be captured in house. He reviewed the process for contesting a citation. Final decisions may be appealed to the Superior Court, but he clarified that the Court determines if the process was properly followed, not the validity of the violation. Fines will assist in cost recovery, and is not intended to generate revenue. Each department will handle its own violations.

Code Enforcement Officer Buckman stated that once adopted, the ordinance could be amended if additional tweaking is necessary. City Attorney Zafferano added that ordinances can be amended as many times as desired.

Councilmember Feierbach commended staff's work on this issue, and noted this is a much better process for these violations.

Council and staff discussion ensued.

In response to Council questions, City Attorney Zafferano clarified that the City Council is not involved in the citation or hearing process. The hearing officer will be someone at city management level, or a non-employee. If appealed, it goes straight to the court system.

In response to Mayor Mathewson, Code Enforcement Officer Buckman cited subjective examples of egregious violations. City Attorney Zafferno noted that there is some discretion involved in these types of violations. Code Enforcement Officer Buckman also noted that the process is intended to provide discretion and flexibility for individual needs.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to introduce an ordinance establishing Section 30 of the Municipal Code, Administrative Citation and Hearing Process, to waive further reading and set the second reading and adoption for June 13, 2006.

## **NEW BUSINESS**

### **Strategic Plan for Equipping and Maintaining the Emergency Operations Center**

Police Sergeant Halleran explained the purpose of the Emergency Operations Center (EOC). He stated that since the new EOC was opened, staff has received input on equipment needed, which has resulted in a four-year plan for acquisition. He noted that the EOC is primarily used as a classroom/training room, and the current table configuration was purchased for that purpose. He added that satellite phones are needed. The plan proposes to purchase four flat-screen TV's, three to be placed in the EOC, and one in conference room 220.

In response to Mayor Mathewson's question regarding funding allocation by department, Sergeant Halleran stated that general ballpark figures were used and allocated evenly, but could be reallocated by department size. He noted the plan was intended to provide flexibility for the long term.

In response to Councilmember Warden, Sergeant Halleran stated that the emergency generator can sustain power for several days.

Councilmember Feierbach concurred that the funding allocation should be based on number of employees in the department.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to accept the report as presented.

### **Fiscal Year 2007 Budget Introduction**

Finance Director Fil stated that tonight's discussion would include policy review, fund balances, reserves, contingencies, and fees. He stated that the City's financial position has improved, and described the various factors that have led to this. No additional budget correction is needed at this time.

Councilmember Warden requested information outlining all the program, personnel and service cuts that were experienced since budget corrections were implemented. Finance Director Fil responded that this would be compiled and forwarded as requested.

Finance Director Fil reviewed revenue sources. He stated that budget assumptions included demographics, revenues, operations, capital improvements and State actions. He reviewed revenue trends and expenditure allocations by operation. He noted that the proposed budget reflected Council's recent action to restore two police positions. He noted that the PERS retirement figures have spiked but are leveling off.

In response to Council questions, Finance Director Fil clarified that an actuary would be needed to calculate the post-employment benefits. The 12 percent base rate is the same long term, but will ultimately be reduced. He explained the unfunded liabilities, and clarified that these are not the same as those for the South County Fire Authority.

Finance Director Fil reviewed the Capital Improvement Plan, General Fund trends, and department initiatives.

Public Works Director Davis reviewed the solid waste program, and noted that street sweeping has been added as a component. The program will experience a deficit by year's end. He reviewed budget scenarios based on various funding increases. He noted that most funding scenarios still place Belmont's rates within mid-range of other cities. Direction is needed so that Allied Waste can include any increase in its July billing cycle.

Discussion ensued regarding the various funding scenarios.

Public Works Director Davis noted that a one-time increase would result in no further increases until 2010. He also noted that the increase could be spread over several years. All scenarios, including heavy vehicle impacts, have been included in the funding model.

Finance Director Fil stated that current policy recommends that one-time monies should not be used for operating expenses. He clarified that this settlement money is not restricted. He added that rates will be reviewed annually.

Councilmember Warden expressed support for holding the one-time monies for other uses, and to spread the increases out over several years.

Councilmember Lieberman noted that rates would decrease in the third year if a one-time increase were implemented. Finance Director Fil added that spreading the rate increase over several years results in paying more over time.

Councilmember Feierbach expressed support for a one-time increase, and keeping the settlement monies in a special fund. Mayor Mathewson concurred.

**John Farnkoff**, Hilton, Farnkoff & Hopson Consultants, reviewed expense trends and noted that the rate scenarios included the assumption of a future bond issuance for additional solid waste projects. He outlined the revenue requirements, and reviewed the revenue trends over the past six years. He recommended that a rate stabilization reserve be established, and to increase the minimum operating fund balance from 50 to 75 percent of the operating budget over three years. He reviewed projections with and without a rate increase. He also provided comparisons of customer bills of neighboring cities.

In response to Councilmember Warden, Finance Director Fil clarified that the issuance of additional sewer bonds in 2009 was included in the fund balance projections.



Councilmember Warden stated that any direction he gives is not tacit approval of a 2009 bond issuance.

Mr. Farnkoff stated that a 13 percent rate increase was recommended for 2006. Councilmember Feierbach noted that the South Bay Sanitary Association (SBSA) would be increasing Belmont's share of costs by 32 percent in the next fiscal year. Finance Director Fil clarified that staff was unable to model this, but noted that this is an issue. SBSA is addressing both increased operation costs and critical capital improvements projects.

Finance Director Fil stated that the Master Fee Schedule would be reviewed at the next meeting.

Councilmember Feierbach stated that some project may require a higher level of building inspector oversight, which should be reflected in the Master Fee Schedule. Community Development Director de Melo stated that existing ordinances provide the authority for cost recovery, and this could be implemented on a case-by-case basis. He noted that the new administrative code enforcement process could help. Finance Director Fil added that an hourly rate can be applied in such cases.

In response to Mayor Mathewson's question regarding comparative fees, Finance Director Fil noted that residential-based cities usually have a higher cost recovery formula; however, many cities are reviewing this policy and may be implementing changes to their fee structure.

Finance Director Fil reviewed trends and projections for subsequent year budgeting. Factors include the State Budget, GASB 45 (post-employment benefits), and the economic upswing. He stated that Development Services required a General Fund subsidy this year, which may lead to an increase in fees.

Mayor Mathewson stated that GASB 45 is likely to have a dramatic effect on the budget in subsequent years.

**RECESS: 9:50 P.M.**

**RECONVENE: 9:55 P.M.**

Interim Parks and Recreation Director Bridges outlined areas of concern in the Parks and Recreation budget. He reviewed revenue trends and subsidies for the Day Care Program, and stated a comprehensive analysis of program costs and revenues was needed. He described the market competition, and noted that other cities publish new rates in January, whereas Belmont has historically done this in July, which puts Belmont at a disadvantage. It is recommended that Belmont change this to coincide with other cities. He reviewed teacher ratios and noted that sometimes the same number of teachers is required even if attendance is lower. He also noted that team sports fees are higher in Belmont than in other cities.

He stated that the overall department budget is projected to have a positive ending fund balance.

Finance Director Fil reviewed the recently adopted City Council Priorities, and clarified that these projects have been built into the proposed budget. He stated that each of the commissions would be reviewing and providing input, and that the final budget action would take place at the June 13<sup>th</sup> meeting. He thanked staff for their collaboration in the budget process.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Discussion and Direction Regarding Finance Commission Vacancies**

City Clerk Cook stated that since the Council addressed a vacancy on the Finance Commission a month ago, an additional resignation occurred. The Chair of the Finance Commission has requested consideration for filling the two vacancies.

Councilmember Feierbach expressed support for opening the application process to seek applicants.

**Gennady Troyan**, Finance Commissioner, requested the Council bring additional talent to the Commission by opening the application process.

Council discussion ensued, and Council concurred to open the application process through June 30<sup>th</sup>, and to interview candidates shortly thereafter.

ADJOURNMENT at this time, being 10:15 p.m.

**Terri Cook**  
**Belmont City Clerk**

Meeting Tape Recorded and Videotaped  
Audio Recording 637  
Minutes approved 6/13/2006